

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

KIPB LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.;  
SAMSUNG ELECTRONICS AMERICA, INC.;  
SAMSUNG SEMICONDUCTOR, INC.;  
SAMSUNG AUSTIN SEMICONDUCTOR, LLC;  
and QUALCOMM GLOBAL TRADING PTE. LTD.,

Defendants.

Case No. 2:19-cv-00056-JRG-RSP

JURY TRIAL DEMANDED

Honorable Rodney Gilstrap

**JOINT CROSS-USE STIPULATION**

Plaintiff KIPB LLC and Defendants Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc.; Samsung Semiconductor, Inc.; Samsung Austin Semiconductor, LLC; and Qualcomm Global Trading Pte. Ltd. (collectively, “the Parties”), by and through their respective counsel, hereby stipulate and agree that documents produced by, deposition testimony of, and written discovery responses from Plaintiff KIPB LLC and Defendants Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc.; Samsung Semiconductor, Inc.; Samsung Austin Semiconductor, LLC; and Qualcomm Inc.<sup>1</sup> in *KAIST IP US LLC v. Samsung Electronics Co., Ltd., et al*, Case 2:16-cv-01314-JRG-RSP (the “1314 Case”) can be used by the Parties in this case, *KIPB LLC v. Samsung Electronics Co., Ltd., et al*, Case 2:19-cv-00056-JRG-RSP (the

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<sup>1</sup> Qualcomm Inc. is not a party to the 0056 Case. As a result, Defendants reserve all objections to the use in the 0056 Case of any document, testimony, or discovery response of Qualcomm Inc. from the 1314 Case not attributable to Qualcomm Global Trading Pte. Ltd. (“QGT”) or any of QGT’s employees or witnesses.

“0056 Case”), provided that any information in such documents, testimony, and other written discovery responses that derives from documents, testimony, or other written discovery responses designated under the Protective Order in the 1314 Case shall be designated with at least the same level of protection under the Protective Order entered in the 0056 Case, as explained further below.<sup>2</sup>

The Parties agree that documents, testimony, and written discovery responses in the 1314 Case may be used in the 0056 Case without re-producing, re-bates numbering, or re-imaging the documents. Documents, testimony, and written discovery responses in the 1314 Case which were designated RESTRICTED – ATTORNEYS’ EYES ONLY shall be treated as though designated RESTRICTED – ATTORNEYS’ EYES ONLY pursuant to the Parties’ Protective Order entered in the 0056 Case.

Source Code produced in the 1314 Case which was designated CONFIDENTIAL SOURCE CODE SUBJECT TO PROTECTIVE ORDER shall be treated as though designated CONFIDENTIAL SOURCE CODE SUBJECT TO PROTECTIVE ORDER pursuant to the Parties’ Protective Order entered in the 0056 Case.

For the purposes of complying with E.D. Tex. Patent L.R. 3.1-3.4, the Parties agree that

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<sup>2</sup> KAIST IP US’s position is that the cross-use stipulation should extend to the Globalfoundries documents, including deposition testimony and written discovery responses, from the 1314 Case. Defendants’ and Globalfoundries’ position is that Globalfoundries is not a party to this 0056 Case and cannot directly be a party to the cross-use stipulation. Consequently, the parties agreed that Globalfoundries’ counsel from the 1314 Case would accept service of a subpoena, under which Globalfoundries and Defendants would provide formal objections, but agree to the production and cross-use of all Globalfoundries’ documents from the 1314 Case in the 0056 Case, subject to these objections. That subpoena was served on May 8, 2020. KAIST IP US therefore agrees to this cross-use stipulation relying upon the parties’ agreement and understanding that all Globalfoundries documents from the 1314 Case may be used in the 0056 Case, subject to Globalfoundries’ and Defendants’ objections. Defendants further reserve the right, and indeed intend, to object to Globalfoundries’ documents from the 1314 Case for any use as irrelevant and inadmissible as evidence in the 0056 Case.

they may rely on documents produced in the 1314 Case without re-producing them, but such documents shall be identified by bates range by the date set for compliance.

By so agreeing, neither side waives any rights, objections, arguments, or defenses regarding the relevance or appropriateness of fact discovery to be taken in the 0056 Case. This Joint Cross-Use Stipulation does not relieve any Party of its discovery obligations in the 0056 Case.

The Parties agree that any document or thing from the 1314 Case that is used in the 0056 Case shall remain subject to the Protective Order entered in the 1314 Case.

This Joint Cross-Use Stipulation does not include documents, testimony, and written discovery response by third parties subject to the Protective Order in the 1314 Case absent the express agreement of the producing third parties. The Parties will seek an express agreement from any third party before using that third party's produced documents, testimony, and written discovery responses from the 1314 Case in the 0056 Case.

By entering into this Joint Cross-Use Stipulation, the Parties do not concede or otherwise agree or accept that any document, testimony, or other information produced, served, transcribed, or filed in the 1314 Case is relevant or admissible as evidence in the 0056 Case. Additionally, nothing in this agreement is intended to or shall be interpreted as modifying the deadlines or obligations of the Parties in the 1314 Case or the 0056 Case.

Date: May 19, 2020

Respectfully submitted,

/s/ Andrew Y. Choung

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on May 19, 2020. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule V-5(a)(3)(A) and by email.

/s/ Tony Nguyen

Tony Nguyen